

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

2012 JUL 12 P 12:09

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

VANESSA BURNETTE,  
Auburn Court  
Building No. 13, Apartment A  
Alexandria, VA 22305

Plaintiff,

v.

WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY,  
600 Fifth Street, N.W.  
Washington, D.C. 20001

Defendant.

Case No.

1:12-cv-762  
JCC/TRJ

NOTICE OF REMOVAL

Defendant Washington Metropolitan Area Transit Authority ("WMATA") by and through counsel, pursuant to 28 U.S.C. §1446, provides notice of removal of a civil action from the Circuit Court for the City of Alexandria. In support hereof, Defendant WMATA states as follows:

1. On or about May 29, 2012, Plaintiff filed this action in the Circuit Court of for the City of Alexandria, Vanessa Burnette v. Washington Metropolitan Area Transit Authority, Case No. CL12002986.

2. A Summon was issued for the Defendant WMATA on May 29, 2012. Defendant WMATA was served with the Summons and Complaint by private process server in the District of Columbia on June 25, 2012.

3. The Summons and Complaint accompany this Notice of Removal. These

documents constitute the only process, pleadings or orders received by the Defendant WMATA.

4. This is a civil action over which this Court has original Federal Question jurisdiction, pursuant to Section 81 of the WMATA Compact, Public Law 89-774, Paragraph 81, approved by Congress on November 6, 1966, as amended, codified by reference at Va. Code Ann. §56-529, §56-530 and set forth in full in the "Compacts" volume of the Virginia Code Ann. which provides that:

The United States District Courts shall have original jurisdiction, concurrent with the courts of Maryland, Virginia and the District of Columbia, of all actions brought by or against the Authority and to enforce subpoenas issued under this Title. Any such action initiated in a State or District of Columbia court shall be removable to the appropriate United States District Court in the manner provided by Act of June 25, 1948, as amended (28 U.S.C. 1446).


**WHEREFORE**, the Defendant Washington Metropolitan Area Transit Authority requests that the entire action now pending in the Circuit Court for the City of Alexandria be removed to the United States District Court for the Eastern District of Virginia, Alexandria Division.

**WASHINGTON METROPOLITAN AREA  
TRANSIT AUTHORITY**

Carol B. O'Keeffe \*  
General Counsel  
\* Not admitted in Virginia



Mark F. Sullivan VSB #20595  
Deputy General Counsel  
Telephone: (202) 962-2814  
E-mail: [msullivan@wmata.com](mailto:msullivan@wmata.com)



Nicholas S. Nunzio, Jr. VSB #45711  
Associate General Counsel  
600 Fifth Street, N.W., Room 2B-06  
Washington, D.C. 20001  
Telephone: (202) 962-1028  
Facsimile: (202) 962-2550  
E-mail: [nnunzio@wmata.com](mailto:nnunzio@wmata.com)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 12<sup>th</sup> day of July 2012, a copy of the foregoing **Notice of Removal** was mailed, first class mail, postage prepaid to:

Johnnie Louis Johnson, III, Esquire  
Law Offices of Johnnie Louis Johnson, III  
11644 Mediterranean Court, Second Level  
Reston, VA 20190-3401



Nicholas S. Nunzio, Jr. VSB # 45711  
Associate General Counsel-WMATA  
600 Fifth Street, N.W., Room 2B-06  
Washington, D.C. 20001  
Telephone: (202) 962-1028  
Facsimile: (202) 962-2550  
E-mail: [nnunzio@wmata.com](mailto:nnunzio@wmata.com)

# Commonwealth of Virginia



Case No. CL12002986

Doc No: 2089548

## SUMMONS

**TO THE SHERIFF: YOU ARE HEREBY COMMANDED TO SERVE:**

Serve: Washington Metropolitan Area Transit Authority  
Metro Headquarters  
600 Fifth Street NW  
Washington, DC 20001

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

**Appearance in person is not required by this summons.**

Done in the name of The Commonwealth of Virginia, the 29th day of May, 2012.

A handwritten signature in black ink, appearing to read "G. Bannister".

Gloria Bannister  
Deputy Clerk

Edward Semonian  
Clerk, Circuit Court  
520 King Rm 307  
Alexandria, VA 22314  
(703) 746-4044

Copy to Serve

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

\_\_\_\_\_  
VANESSA BURNETTE  
Auburn Court  
Building No. 13  
Apartment A.  
Alexandria, Virginia 22305

Plaintiff,

- against -

WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY  
Metro Headquarters  
600 Fifth Street, N.W.  
Washington, D.C. 20001

Defendant.

X

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X

JURY TRIAL DEMAND

Civil Action No. 12-0002986

COMPLAINT TO RECOVER  
DAMAGES AS A RESULT OF  
NEGLIGENCE OF BUS  
DRIVER

COMES NOW, Plaintiff Vanessa Burnette, by the undersigned counsel, and files this complaint seeking damages and judgment against Defendant Washington Metropolitan Area Transit Authority for personal injuries and other loss sustained by Plaintiff Vanessa Burnette as a result of the negligence of Defendant Washington Metropolitan Transit Authority by one of its bus drivers.

1. Plaintiff Vanessa Burnette is a bona fide resident and a domiciliary of the Commonwealth of Virginia residing in Alexandria, Virginia at the time and date of the accident that resulted in the personal injuries and other loss.

2. Defendant Washington Metropolitan Area Transit Authority is a tri-jurisdictional governmental agency that operates transit service in the Washington, D.C. metropolitan area, including the Metrorail, Metrobus and MetroAccess which was created

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CITY OF ALEXANDRIA  
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BY  
DEPUTY CLERK

by an interstate compact and is jointly funded by the District of Columbia, and jurisdictions in suburban Maryland and the Commonwealth of Virginia.

3. On or about February 23, 2008, Plaintiff Vanessa Burnette was stopped in her vehicle at the intersection of King and Beauregard Streets in the City of Alexandria, Virginia.

4. On or about February 23, 2008, Ms. Latasha Mitchell, an agent and driver for Defendant Washington Metropolitan Area Transit Authority, was operating a vehicle owned by Defendant Washington Metropolitan Area Transit Authority and was driving that vehicle directly behind the vehicle in which Plaintiff Vanessa Burnette was stopped.

5. On or about February 23, 2008, Ms. Latasha Mitchell, while operating Defendant Metropolitan Area Transit Authority's vehicle behind Plaintiff Vanessa Burnette's stopped vehicle, violently collided with the rear of Plaintiff Vanessa Burnette's stopped vehicle.

6. On or about February 23, 2008, and at all times relevant to this action, Ms. Latasha Mitchell was acting as an agent, servant and an employee of Defendant Washington Metropolitan Area Transit Authority, and was acting in the scope of her employment and agency and with the permission, express and implied of Defendant Washington Metropolitan Area Transit Authority to operate Defendant Washington Metropolitan Area Transit Authority's vehicle.

7. On or about February 23, 2008, in the City of Alexandria, Virginia, and at all times relevant to his action, it was the duty of Defendant Washington Metropolitan Area Transit Authority, through its employees, to operate a vehicle with reasonable care and with due regards for the safety of others.



8. Ms. Latasha Mitchell, notwithstanding the said duty to operate a vehicle with reasonable care, did then and there on or about February 23, 2008, carelessly, recklessly, and negligently operate a vehicle owned by Defendant Washington Metropolitan Area Transit Authority so that the vehicle collided with the vehicle in which Plaintiff Vanessa Burnette was a passenger. Defendant Washington Metropolitan Area Transit Authority, through its employee Ms. Latasha Mitchell, was negligent in that it, among other things, but not limited to: (a) failed to keep a proper lookout; (b) failed to keep her vehicle under proper control; (c) failed to stop the vehicle in time to avoid a collision; and (d) failed to heed and obey all other traffic rules and regulations then and there in effect.

9. Defendant Washington Metropolitan Area Transit Authority, as a direct and proximate result of its negligence through the negligence of its employee, Ms. Latasha Mitchell, Plaintiff Vanessa Burnette: (a) sustained serious and permanent injuries to her body, person and mind; (b) has been prevented from transacting her business; (c) has suffered and will continue to suffer in the future great pain to her body and mind; (d) has sustained loss of earnings and earning capacities; and (e) has incurred and will continue to incur in the future, hospital, doctor and related medical bills in an effort to be cured of these said injuries.

WHEREFORE, Plaintiff Vanessa Burnette demands judgment against Defendant Washington Metropolitan Area Transit Authority in the amount of \$300,000, plus interest thereon from February 23, 2008, until paid, together with the cost of this action and such

further relief as the nature of this cause and justice dictate and fairness requires.

**AFFIDAVIT**


I hereby affirm and attest that the foregoing is true and correct to the best of my knowledge and belief.

Dated: May 17, 2012

  
Plaintiff Vanessa Burnette

Dated: May 17, 2012

Respectfully submitted,

By:   
Johnnie Louis Johnson III (VSB No. 16400)  
LAW OFFICES OF JOHNNIE LOUIS  
JOHNSON III  
Attorney for Plaintiff Vanessa Burnette  
11644 Mediterranean Court  
Second Level  
Reston, Virginia 20190-3401  
703.471.0848 (Voice)  
703.471.0478 (Facsimile)  
(Electronic Mail)